

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PUMA SE and PUMA NORTH  
AMERICA INC.,

Plaintiffs,

v.

BROOKS SPORTS, INC.,

Defendant.

CASE NO. 2:23-CV-00116-LK

ORDER GRANTING STIPULATED  
MOTION TO MODIFY THE  
SCHEDULING ORDER

This matter comes before the Court on the parties' Stipulated Motion to Modify the Scheduling Order. Dkt. No. 116. The Court hereby GRANTS the parties' motion and amends the original pretrial schedule, *see* Dkt. No. 90, with the following:

Event	Date
JURY TRIAL SET FOR 9:00 a.m. on	To be set by the Court
Length of trial	5 days
All motions related to liability discovery must be filed by	3/11/2024
Liability discovery completed by	4/17/2024

1	All dispositive motions and motions challenging liability expert witness testimony must be filed by this date (see LCR 7(d)).	5/8/2024
2	Such motions must be noted for consideration no later than the	
3	fourth Friday thereafter (see LCR 7(d)), unless the parties are	
4	filing cross-motions for summary judgment and have agreed to	
5	a different briefing schedule as contemplated by LCR 7(k)	
6	If the plaintiffs/counter-defendants do not file a dispositive	6/10/2024
7	motion, the deadline for any dispositive motion by the	
8	defendant/counter-claimant	
9	Responses to damages-related discovery requests	The later of 30 days
10		from service or 14
11		days after order on
12		dispositive motions,
13		or, if no such motion
14		is filed, 6/26/2024
15	Substantial completion of document production for damages-	30 days after order
16	related discovery requests	on dispositive
17		motions, or if no
18		such motion is filed,
19		6/26/2024
20	Disclosure of expert testimony under FRCP 26(a)(2) regarding	90 days after order
21	any damages issue due	on dispositive
22		motion(s), or, if no
23		such motion is filed,
24		8/9/2024
	Disclosure of rebuttal expert testimony under FRCP 26(a)(2)	60 days after the
	regarding any damages issue due	deadline for opening
		reports on damages
	If the party with the burden of proof as to any damages issue has	120 days after order
	disclosed no experts, the responding party must make any expert	on dispositive
	disclosure by	motion(s), or, if no
		such motion is filed,
		9/11/2024
	All motions related to damages discovery must be filed by	120 days after order
		on dispositive
		motion(s), or, if no
		such motion is filed,
		9/11/2024
	Damages discovery completed by	150 days after order
		on dispositive

	motion(s), or, if no such motion is filed, 10/11/2024
All motions challenging damages expert witness testimony must be filed by this date ( <i>see</i> LCR 7(d)).	180 days after order on dispositive motion(s), or, if no such motion is filed, 11/13/2024
Settlement conference, if mediation has been requested by the parties per LCR 39.1, held no later than	2 months before trial
All motions in limine must be filed by	35 days before trial
Proposed jury instructions and agreed LCR 16.1 Pretrial Order due, including exhibit list with completed authenticity, admissibility, and objections fields	21 days before trial
Trial briefs, proposed voir dire questions, and deposition designations due	14 days before trial
Pretrial conference scheduled at 10:00 a.m. on	10 days before trial

All other dates are specified in the Local Civil Rules. The dates set forth in this order are firm dates that can be changed only by order of the Court, not by agreement of counsel for the parties. The Court will alter these dates only upon good cause shown or on a showing of excusable neglect, if applicable. *See Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 2002). Failure to complete discovery within the time allowed is not recognized as good cause. If any of the dates identified in this Order or the Local Civil Rules fall on a weekend or federal holiday, the act or event shall be performed on the next business day.

In its denial of parties' original stipulated motion to modify the scheduling order, the Court instructed the parties to "explain why they could not have sought the requested schedule modification sufficiently in advance of the existing deadline they wish to modify." Dkt. No. 112; *see also* LCR 7(j) (instructing litigants to seek relief from a deadline "sufficiently in advance of the deadline to allow the court to rule on the motion prior to the deadline"). In their amended

1 motion, the parties state only that their “inability to meet the [liability discovery motions] deadline  
 2 came to their attention during a meet and confer between counsel on January 3, 2024 during which  
 3 the Parties recognized that certain discovery disputes were not ripe for the Court’s attention.” Dkt.  
 4 No. 116 at 2–3. The Court cautions that any further lack of attention to deadlines will not be treated  
 5 as “good cause” warranting modification under Federal Rule of Civil Procedure 16(b)(4). *See*  
 6 *Johnson*, 975 F.2d at 609 (“[C]arelessness is not compatible with a finding of diligence and offers  
 7 no reason for a grant of relief.”).

8 The Court expects to assign a trial date after it issues its order on dispositive motions, or,  
 9 if no such motion is filed, after the deadline for defendant/counter-claimant’s dispositive motion.

#### 10 COOPERATION

11 As required by LCR 37(a), all discovery matters are to be resolved by agreement if  
 12 possible. Counsel are also directed to cooperate in preparing the final pretrial order in the format  
 13 required by LCR 16.1, except as ordered below.

#### 14 PRIVACY

15 Pursuant to LCR 5.2(a), parties shall refrain from including, or shall partially redact where  
 16 inclusion is necessary, the following personal data identifiers from all documents filed with the  
 17 court or used as exhibits in any hearing or at trial, unless otherwise ordered by the court:

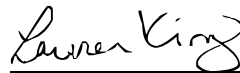
- 18 • Dates of Birth – redact to the year of birth, unless deceased.
- 19 • Names of Minor Children – redact to the initials, unless deceased or currently over the  
 20 age of 18.
- 21 • Social Security or Taxpayer Identification Numbers – redact in their entirety.
- 22 • Financial Accounting Information – redact to the last four digits.
- 23 • Passport Numbers and Driver License Numbers – redact in their entirety.

24 Parties in social security appeals and immigration cases shall comply with LCR 5.2(c).

**SETTLEMENT**

If this case settles, counsel shall notify Natalie Wood via email at [natalie\\_wood@wawd.uscourts.gov](mailto:natalie_wood@wawd.uscourts.gov) as soon as possible. Pursuant to LCR 11(b), an attorney who fails to give the Deputy Clerk prompt notice of settlement may be subject to such discipline as the Court deems appropriate.

Dated this 24th day of January, 2024.



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Lauren King  
United States District Judge